

FILED OF RECORD

FEB 17 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2091

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY JOSEPH R. ALLEN, M.D., LICENSE NO. 30657, GMG – THE ALLEN CLINIC, 746 CAMPBELL LANE, SUITE 101, BOWLING GREEN, KENTUCKY 42104

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through the Chair of its Inquiry Panel B, and Joseph R. Allen, M.D., (hereafter “the licensee”), and, based upon their mutual desire to resolve the pending investigation, the parties hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Joseph R. Allen, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Family Medicine.
3. On or about February 18, 2022, officers stopped a vehicle and detained the licensee. The licensee failed sobriety tests given at that time. He was visibly intoxicated. The licensee was placed in custody for a DUI. He performed a breath test and blew a .139. Further, the licensee had open containers in his vehicle.
4. The licensee pled guilty to the charge of Operating a Motor Vehicle Under the Influence of Alcohol over .08, in *Commonwealth v. Allen*, Case No. 22-T-01240 (Warren District Court). The charge of Possession of an Open Alcoholic Beverage Container in a Motor Vehicle was dismissed.

5. On or about March 11, 2022, the licensee notified the Board of his guilty plea and included a letter from HCA Florida South Tampa Hospital, indicating that the licensee participated in an outpatient treatment program between February 28 and March 11, 2022.
6. On or about May 19, 2022, the Board sent a letter to the licensee requesting that he contact the Kentucky Physicians Health Foundation (KPHF) and submit to evaluations as directed within 30 days of receiving the letter.
7. On July 1, 2022, Donetta Wolfe with the KPHF reported to the Board via telephonic interview that the licensee had not yet contacted the KPHF.
8. On September 28, 2022, the Board investigator initiated phone contact with Dr. Allen, verbally advising him to contact the KPHF. According to the licensee, he had sent a certified letter on June 9, 2022, to the KPHF. However, Donetta Wolfe informed the Board that the KPHF had not received a letter from the licensee.
9. On or about November 1, 2022, Dr. Tina Simpson, Medical Director of KPHF, interviewed the licensee.
10. On or about December 7, 2022, the licensee entered into a five-year aftercare contract with the KPHF program. The components are as follows:
 - a. Documented attendance at no less than 12 AA meetings per month;
 - b. Ongoing relationship with an AA sponsor;
 - c. Participation in a healthcare professionals aftercare group;
 - d. Individual therapy;
 - e. Random drug screens and alcohol determinations; and
 - f. Professional accountability obtained through interval reports from a contact at his primary worksite.

11. On December 14, 2022, the Board investigator initiated a second telephonic contact with the licensee. The licensee was advised of his opportunity to provide a letter of explanation for his delay in contacting the KPHF. During the conversation he again stated that he sent a certified letter to the KPHF soon after he had received the May 19, 2022 letter from the Board. The licensee stated that he heard nothing else from the KPHF or the Board until he was contacted on September 9, 2022.
12. The licensee provided a UPS receipt dated June 9, 2022 that he indicated was proof that he sent a letter to the KPHF on that date. He also provided a statement via email on December 14, 2022 to summarize pertinent events and provide a timeline of the previous few months. In his statement, he substantially stated, "From my perspective there were 2 delays- KPHF reported they never received my letter dated 6/3, and they were using the wrong email address to contact me to arrange my enrollment in the program."
13. The licensee agreed to enter into this Agreed Order, in lieu of the issuance of a Complaint.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(4) and (7). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending matter without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to resolve the pending investigation, the parties hereby ENTER INTO the following AGREED ORDER:

1. The license to practice medicine in the Commonwealth of Kentucky held by JOSEPH R. ALLEN, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS, with that period of probation to become effective immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. The licensee SHALL enter into and maintain a contractual relationship with the Kentucky Physicians Health Foundation and shall fully comply with all requirements of that contractual relationship;
 - i. The licensee SHALL completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. The licensee SHALL ensure that any such medical treatment and prescribing is reported directly to the Board in writing by his treating physician within ten (10) days after the date of treatment. The licensee SHALL inform the treating physician of this responsibility and ensure timely compliance. The licensee's failure to inform the treating physician of this responsibility SHALL be considered a violation of this Agreed Order;

ii. The licensee SHALL be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis as desired by the Board, and under the conditions specified by the Board's testing agent, the purpose being to ensure that the licensee remain drug and/or alcohol-free. The cost of such breathalyzer, blood and urine alcohol and/or drug analyses and reports SHALL be paid by the licensee, and the licensee SHALL pay those costs under the terms fixed by the Board's agent for testing. The licensee's failure to fully reimburse the Board's agent within that time frame SHALL constitute a violation of this Agreed Order;

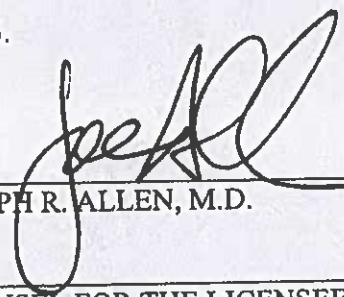
b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.

4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 16 day of February, 2023.

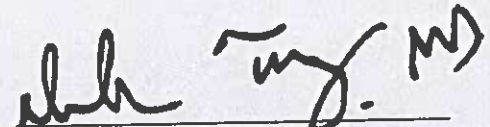
FOR THE LICENSEE:



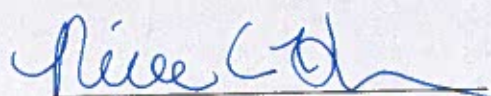
JOSEPH R. ALLEN, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B



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